

REMARKS

Reconsideration of this application is requested in view of the following remarks.

Status of All of the Claims

Below is the status of the claims in this application.

1. Claim(s) 1, 3-9, 12-19 are pending and under consideration.
2. Claim(s) 2, 10 and 11 have been cancelled.

Claim Rejections – 35 U.S.C. § 103

Claims 1, 3-9 and 12-19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gianturco, U.S. Patent No. 5,282,824 in view of Babbs et al., WO 98/25544.

The examiner contends that it would have been obvious at the time the invention was made to modify the Gianturco device with the teachings of Babbs—specifically, to replace the flexible sleeve in Gianturco with the covering from Babbs. In order to expedite the present application, the independent claims have been amended to require a set of securement/suture features between the sleeve material and the stent that is not taught, but rather taught directly against, in the proposed combination of references.

The independent claims now require that the sleeve be secured to both the proximal *and* distal ends of the one or more stents in the device, that the first portion of the sleeve be secured

to the inside surface of the stent by sutures to struts of the stent(s), and that the second portion of the sleeve be secured to the outside surface of the stent by sutures to struts of the stent(s). Such arrangements are taught squarely against in the proposed combination of reference. In particular, the examiner proposes to combine the sleeve of Babbs, Figure 2, with the stent device of Gianturco. Even if this were done, and even if the attachment point of the Babbs sleeve was moved to the end of the Gianturco device: (1) one would not arrive at a construct with the sleeve material attached to both ends of the stent device; and (2) one would not arrive at a construct with the sleeve material sutured to struts in between the ends of the device, both as claimed. In fact, the express desire of Babbs, which teaches wrapping and sewing the sleeve material to itself along one location (and not to the stent), is to form an open lumen around the stent with the inner and outer portions of the sleeve material, which lumen can be "filled with fluidized submucosal tissue, growth factors, a heparin containing composition or other components to assist the repair of the damaged or diseased vessel." See page 13, upper paragraph of Babbs. The claimed arrangement does not facilitate, but rather frustrates, this express purpose and function of Babbs. Accordingly, the proposed combination of Babbs and Gianturco fails to suggest the claimed arrangements to one of ordinary skill in the art.

In light of the above amendment and remarks, maintenance of the present obviousness rejection would be improper. Withdrawal of this rejection and allowance of this application are therefore solicited.

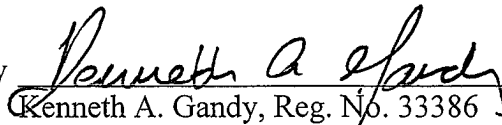
Request for Interview

The Applicant requests an opportunity for an interview of the Examiner if the Examiner believes that any objection or rejection could be maintained against the application as amended.

The Examiner is requested to contact the undersigned attorney to arrange any such interview necessary.

Respectfully submitted,

By



Kenneth A. Gandy, Reg. No. 33386

Woodard, Emhardt, Moriarty, McNett & Henry LLP

111 Monument Circle, Suite 3700

Indianapolis, Indiana 46204-5137

(317) 634-3456